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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,867	10/15/2003	Joseph Smouha	CL-167	7418
7590 02/01/2005				
Bernard Malina Malina & Wolson Suite 501 60 East 42nd Street New York, NY 10165		EXAMINER GEHMAN, BRYON P		
		ART UNIT 3728		PAPER NUMBER
DATE MAILED: 02/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/686,867

**Applicant(s)**

SMOuha, JOSEPH

**Examiner**

Bryon P. Gehman

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: None of the reference numerals have been provided. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed first, second and third locking means of the claims are not shown by the drawings, rendering their composition and scope indefinite. According, the applicant's disclosure is seriously inadequate to instruct one of ordinary skill how to provide the claimed invention. Also, the "threaded engagement of claim 13

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is inadequately shown or explained to allow one of ordinary skill in the art to provide the threaded engagement. Also, the "sleeve member" of claims 22-24 and 26 is inadequately shown or explained to allow one of ordinary skill in the art to provide the Also, the "tag means" of claim 25 is not shown, rendering its composition seriously indefinite.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-6 and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 5 and 6, "said locking prong" is inconsistent with claim 4, "at least one locking prong".

In claims 24 and 26, line 1 of each, "said sleeve" lacks antecedent basis as a noun, and in claim 26 lacks any antecedent basis from parent claim 21.

In claims 25 and 26, line 1 of each, "The bangle bracelet" lacks antecedent basis and is inconsistent with claims 1-24.

In claim 25, line 1, "tag means" lacks a means plus function recitation.

In claim 26, line 2, interengaging is a single word.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 8-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Smouha (6,378,696 B1). Disclosed is a bangle watch box comprising a housing (10) having a wall portion and an outer surface, a cover (2 or 6) mounted on the housing, a wristwatch support collar (28) mounted in the housing, first locking means (interengagement between the collar and the housing) for reversibly locking the collar and the housing, a plurality of bangles (32) each having an aperture with the housing projecting through the apertures, second locking means (interengagement between the bangles and the housing) for locking the bangles and the housing and third locking means (operated by 14) for locking the cover, bangles and housing.

As to claim 2, the collar also comprises a locking member slideably mounted in the housing.

As to claims 8-10, each bangle (32) comprises a generally planar member having an aperture (engaging the housing (10)), rounded edge portions (semicircular portions engaging the housing) and rounded corner portions (at free ends of the bangles).

As to claims 11 and 12, a raised flange portion encircles the shell (4) of Smouha and serves to lock the housing (10) in place.

As to claims 14 and 15, the cover includes a transparent/translucent material (at 12).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smouha. Smouha discloses providing a transparent window in the cover. To provide the entire cover of a transparent material would have been obvious in view of Smouha in order to provide interior viewing of the box from any angle. To vary the transparency from complete to translucent is officially noted to have been well known in the receptacle field to vary the exposure of the contents. To provide the elements of the box entirely from plastic, even transparent or translucent plastic would have been obvious in order to provide interior viewing of the contents from any angle in a relatively inexpensive manner.

As to claim 21, the shape of the cover would be an obvious matter of design choice, the shape not providing any new and unexpected structural result.

10. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smouha in view of Fabbri et al. (5,579,906). Fabbri discloses a collar locking means comprising a locking member (24) slideably mounted in a housing, the locking member having prongs and being flexible. To modify the collar structure of Smouha employing

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the locking structure of Fabbri et al. would have been obvious in order to better secure the collar within the housing, as suggested by Fabbri et al..

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smouha in view of Beachamp (4,216,858). Beachamp discloses a tag (80) disposed in a wristwatch display box. To modify the box of Smouha employing a tag as disclosed by Beachamp would have been obvious in order to provide information relative to the contents, as suggested by Beachamp.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are watch display structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4555.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" being more prominent.

Bryon P. Gehman  
Primary Examiner  
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BPG